

McFATRIDGE, BAKER & SCHMIDT, P.C.

A PROFESSIONAL CORPORATION

KEITH W. McFATRIDGE, JR.
LL.M.-TAXATION
Shareholder
Member College of the State Bar of Texas

ATTORNEYS AT LAW
2228 SHIP'S MECHANIC ROW, SUITE 220
GALVESTON, TEXAS 77550
(409) 766-7966
FACSIMILE (409) 766-7955

Extension: 110
E-Mail: kmcfatridge@mbslawyer.com

HOUSTON OFFICE:
3900 ESSEX LANE, SUITE 730
HOUSTON, TEXAS 77027
(713) 629-7966
FACSIMILE (713) 629-7960

May 11, 2011

Via CMRRR#7010 1670 0000 5641 2600
United States Patent and Trademarks Office
c/o Office of Patent and Legal Administration
Hiram Bernstein
P. O. Box 1450
Alexandria, VA 22313

Re: Patent No. 5,891,260, Application No. 795,038

Dear Mr. Bernstein:

This letter is in response to your Decision on Request for Refund received April 5, 2011, attached hereto as Exhibit "A".

On November 6, 2003, a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent was filed which indicated the Patentee's claim as small entity status (see attached). The Petition was granted on November 26, 2003. No further action was taken by our client, the Patentee. However, for some unknown reason, after this filing, the Patentee's status was shown as a large entity instead of a small entity which not discovered until January, 2011. Also attached as Exhibit "B" are the maintenance fee statements indicating amounts paid on June 22, 2006 and September 8, 2010.

Again, the Patentee has taken no action to change its status from a small entity to a large entity since the granting of a small entity status on November 26, 2003. Therefore, please correct the Patentee's status as a large entity to a **small entity** and refund the difference in maintenance fee paid on September 8, 2010, in the amount of \$4,110.00.

I look forward to your favorable response. If you have any questions regarding the above, please do not hesitate to contact me at (409) 766-7966.

Very truly yours,

McFatridge, Baker & Schmidt, P.C.


Keith W. McFatridge, Jr.

Attachments

Mr. Bernstein
May 11, 2011
Page 2

cc: Inline Services, Inc. (w/o attachs.)

Return To:

USPTO
Home
Page

Finance
Online
Shopping
Page



United States Patent and Trademark Office

Maintenance Fee Statement

06/22/2006 12:29 PM EDT

Patent Number: 5891260

Customer Number: 000000

ROBERT TREECE
12520 N W EXPRESSWAY
YUKON OK 73099

The data shown below is from the records of the U.S. Patent and Trademark Office. If the maintenance fee and any necessary surcharge have been timely paid for the patent listed below, the notation "PAID" will appear in the "STAT" column.

If the statement of small entity status is defective the reason will be indicated below in the "Small Entity" status column. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

PATENT NUMBER	FEE AMT	SUR- CHARGE	APPLICATION NUMBER	U.S. PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	STAT	ATTY DKT NUMBER
5,891,260	\$2,300.00	\$0.00	08/795,038	04/06/99	02/05/97	08	NO	PAID	BENHAM.002

Direct any questions about this notice to:

Mail Stop: M. Correspondence
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Click [here](#) to obtain your Maintenance Fee Statement as a PDF.

Please note that in order to view your Maintenance Fee Statement as a PDF, you must have Adobe's Acrobat Reader installed. If you do not have it, download it for FREE!

EXHIBIT "B"



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Customer Num: 000000

ROBERT TREECE
12520 N W EXPRESSWAY
YUKON OK 73099

MAINTENANCE FEE STATEMENT

The data shown below is from the records of the U.S. Patent and Trademark Office. If the maintenance fee and any necessary surcharge have been timely paid for the patent listed below, the notation "PAID" will appear in the "STAT" column.

If the statement of small entity status is defective the reason will be indicated below in the "Small Entity" status column. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

PATENT NUMBER	FEE AMT	SUR CHARGE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	STAT	ATTY DKT NUMBER
5,891,260	\$2,300.00	\$0.00	08/795,038	04/06/99	02/05/97	08	NO	PAID	BENHAM.002

Direct any questions about this notice to:
Mail Stop M Correspondence
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Return To:**USPTO
Home
Page****United States
Patent and
Trademark Office****Finance
Online
Shopping
Page**

Patent Bibliographic Data		04/06/2010 03:32 PM	
Patent Number:	5891260	Application Number:	08795038
Issue Date:	04/06/1999	Filing Date:	02/05/1997
Title:	PRODUCT RECOVERY SYSTEM		
Status:	12th year fee window opens: 04/06/2010	Entity:	Large
Window Opens:	04/06/2010	Surcharge Date:	10/07/2010
Fee Amt Due:	\$4,110.00	Surchg Amt Due:	\$0.00
Fee Code:	1553	Total Amt Due:	\$4,110.00
Surcharge Fee Code:	MAINTENANCE FEE DUE AT 11.5 YEARS		
Most recent events (up to 7):	06/22/2006 Payment of Maintenance Fee, 8th Year, Large Entity. 11/26/2003 Petition Related to Maintenance Fees Granted. 11/12/2003 Surcharge, Petition to Accept Pymt After Exp, Unintentional. 11/12/2003 Petition Related to Maintenance Fees Filed. 08/25/2003 Petition Related to Maintenance Fees Filed. 07/30/2003 Payment of Maintenance Fee, 4th Yr, Small Entity. 07/30/2003 Petition Related to Maintenance Fees Filed. --- End of Maintenance History ---		
Address for fee purposes:	ROBERT TREECE 12520 N W EXPRESSWAY YUKON, OK 73099		
NOTE: All USPTO fees are subject to change. If you are making a payment by mail or fax, please visit this link or contact the Maintenance Fee Branch (571-272-6500) to confirm the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.			
<input type="button" value="Run Another Query"/>			

[Need Help?](#) |
 [USPTO Home Page](#) |
 [Finance Online Shopping Page](#) |
 [Alerts Page](#)

[Return To:](#)[USPTO
Home
Page](#)[Finance
Online
Shopping
Page](#)

United States
Patent and
Trademark Office

Maintenance Fee Statement**09/08/2010 12:06 PM EDT****Patent Number:** 5891260**Customer Number:** 000000

ROBERT TREECE
12520 N W EXPRESSWAY
YUKON OK 73099

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR- CHARGE	PYMT DATE	U.S. PATENT APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
5,891,260	\$4,110.00	\$0.00	09/08/10	08/795,038	04/06/99	02/05/97	12	NO	BENHAM.002

Click [here](#) to obtain your Maintenance Fee Statement as a PDF.

Please note that in order to view your Maintenance Fee Statement as a PDF, you must have Adobe's Acrobat Reader installed. If you do not have it, download it for FREE!

[Pay Another](#)

[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#) | [Alerts Page](#)